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D.B. CIVIL SPECIAL APPEAL NO.748/2006.
[HINDUMAL VS. AMRIT LAL]

DATED : 09.02.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.Om Mehta for appellant.

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Heard learned counsel for the appellant.

We are of the opinion that there is no error in the order passed by the learned Single Judge. Petitioner/appellant who is total stranger to suit filed by Amrit Lal against respondents No.2 to 9 for partition of the property in question alleging it to be ancestral property and claiming himself to be entitled to a moiety. The petitioner appellant by making an application to be impleaded as party in the suit wants to get declaration of his title vis-a-vis part of joint family property enumerated in the suit against all the parties to suit.

We are of the opinion that petitioner as a stranger cannot be permitted to convert a partition suit between the members of the family into suit for declaration of his title against those parties. If he has any claim to title and apprehends injury to his title or his interest at the hands of the

respondents he may pursue his remedy as may be permissible under the law. He is neither necessary nor a proper party to be impleaded in the suit. Therefore, the trial court has rightly rejected his application and the petition filed by him has rightly been dismissed.

Appeal is dismissed in limine.

[CHATRA RAM JAT], J. **[RAJESH BALIA], J.**

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